

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES G. REECE,
Petitioner,

v.

GARY SWARTHOUT,
Respondent.

Case No. [13-cv-02515-SI](#)

**ORDER DENYING CERTIFICATE OF
APPEALABILITY**

Petitioner filed a notice of appeal from the order dismissing his habeas petition for lack of jurisdiction. Thereafter, the Appellate Commissioner for the U.S. Court of Appeals for the Ninth Circuit has requested this court to grant or deny a certificate of appealability. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability is DENIED because petitioner has not demonstrated that “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

The clerk shall forward to the court of appeals the case file with this order. *See United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

Dated: January 7, 2016



SUSAN ILLSTON
United States District Judge